

Vol 1 of 2 COURT OF CRIMINAL APPEALS NO. **CR-02-0327**

APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS

FROM

CIRCUIT COURT OF Montgomery COUNTY, ALABAMACIRCUIT COURT NO. CC-02-920CIRCUIT JUDGE Yruman HobbsType of Conviction / OrderAppealed From: Robbery FSentence Imposed: 10 yrs.Defendant Indigent: YES NOCharles Smith

NAME OF APPELLANT

Kelly Vickers 669-0700
 (Appellant's Attorney) (Telephone No.)

P.O. 730x 230803
 (Address) Montgomery Al 36123
 (City) (State) (Zip Code)

V.

STATE OF ALABAMA

NAME OF APPELLEE

(State represented by Attorney General)

NOTE: If municipal appeal, indicate above, and enter
name and address of municipal attorney below.

(For Court of Criminal Appeals Use Only)

EXHIBIT A

ACRO370	ALABAMA JUDICIAL INFORMATION SYSTEM	CASE: CC 2002 000920.00
OPER: DEC	CASE ACTION SUMMARY	RUN DATE: 07/24/2002
GE: 1	CIRCUIT CRIMINAL	JUDGE: SMG
THE CIRCUIT COURT OF MONTGOMERY		
STATE OF ALABAMA	VS SMITH CHARLES <i>Sr.</i>	<i>AIS</i>
CASE: CC 2002 000920.00	2703 GENEVA STREET	129560
MONTGOMERY, AL 36107 0000		
DOB: 01/31/1958	SEX: M RACE: B HT: 5 08 WT: 210	HR: BLK EYES: BRO
SSN: 419886398	ALIAS NAMES:	
CHARGE01: ROBBERY 1ST	CODE01: ROB1 LIT: ROBBERY 1ST	TYP: F #: 001
OFFENSE DATE: 04/28/2002	AGENCY/OFFICER: 0030100	
DATE WAR/CAP ISS:	DATE ARRESTED: 04/28/2002	
DATE INDICTED: 07/19/2002	DATE FILED: 07/24/2002	
DATE RELEASED:	DATE HEARING:	
BOND AMOUNT: \$200,000.00	SURETIES:	
DATE 1: DESC: TIME: 0000		
DATE 2: 08/01/2002 DESC: ARRG TIME: 0830 A		
TRACKING NOS: GJ 2002 070256 00 /		
DEF/ATY: <i>W. Donald Kelly Vickers</i>	TYPE: A	TYPE:
		00000
PROSECUTOR:		
<i>Oct 28</i>		
H CSE: GJ200207025600 CHK/TICKET NO: 2002F-725		GRAND JURY: 0256
COURT REPORTER: SID NO: 000775002		
DEF STATUS: JAIL DEMAND:		OPER: DEC
TRANS DATE ACTIONS, JUDGEMENTS, AND NOTES OPE		
07/24/2002	ASSIGNED TO: (SMG)	(AR01) DEC
07/24/2002	FILED ON: 07/24/2002	(AR01) DEC
07/24/2002	CHARGE 01: ROBBERY 1ST/#CNTS: 001	(AR01) DEC
07/24/2002	DEFENDANT INDICTED ON: 07/19/2002	(AR01) DEC
07/24/2002	INITIAL STATUS SET TO: "J" - JAIL	(AR01) DEC
07/24/2002	DEFENDANT ARRESTED ON: 04/28/2002	(AR01) DEC
07/24/2002	BOND SET AT: \$200000.00	(AR01) DEC
07/24/2002	SET FOR: ARRAIGNMENT ON 08/01/2002 AT 0830A(AR10)	DEC
07/24/2002	CASE ACTION SUMMARY PRINTED	(AR08) DEC
07/24/2002	CAS ATTACHMENT PRINTED	(AR08) DEC
8-1-02	<i>W. Donald Vickers</i> <i>was not present</i>	
DEFENDANT APPOINTED IN OPEN COURT, PLEADS NOT GUILTY.		
9/04/02	<i>SMG</i> <i>Notice of Discovery</i>	

State of Alabama

Unified Judicial System

Form C-7

Rev 2/79

CASE ACTION SUMMARY
CONTINUATION

Case Number

CC-02-920 GR

Style: Charles Smith, Sr

Page Number _____ of _____ Pages

DATE

ACTIONS, JUDGMENTS, CASE NOTES

11-12-02

Defendant & attorney appeared for sentencing. Court asked if he/she had anything to say why sentence should not now be pronounced and Defendant had his/her say.

HOA Enhancements Applicable Yes/No
Defendant Admits _____ State Proves _____ priors

IT IS ORDERED:Sentenced to 20 yrs./split to serve _____ yrs.

_____ reverse split postpone _____ Review _____
Concurrent _____ Consecutive _____

Weapon Enhancement

Suspended YES/NO Supervised/P.O/Court Probation _____ Level II
years End of Split Sentence _____ years

DOC to give 60 day notice prior to E.O.S.

ENHANCEMENTS \$1000/2000 Enhancement Fine

_____ Remit portion completion of SAP

_____ Driver License suspended/revoked 6 mo/ _____

_____ \$100 DFS fee _____ \$100 Head Injury

_____ years School _____ years Public Housing

_____ years Sale under 18

Boot Camp _____ SAP _____ Review upon completion-YES _____ GED _____

Work Release _____ Community Service _____ hrs. Trash Pickup _____ hr

OTHER:Shawntee RobinsonRestitution \$ 62.96 Co-Defendant(s) _____

Jointly and Severally liable Crime Victim \$25.00/\$50.00

Court Costs Attorney Fees \$ 150.00 / 200.00 Fine \$ 2,000.00Payment \$ _____ Mo/Week Begin _____ /02 or 1/2 monies earned Defendant advised right to appeal yes/no unless reserve issue or withdraw plea; Defendant to be given credit for time served.

Appeal Bond set \$ _____

I gives oral notice of appeal in open Court SMC

SALLY GREENHAW
CIRCUIT JUDGE

ACRO369 ALABAMA JUDICIAL INFORMATION CENTER

CASE ACTION SUMMARY
CONTINUATIONCASE: CC 2002 000920.00
JUDGE ID: SMG

STATE OF ALABAMA VS SMITH CHARLES

DATE ACTION, JUDGMENTS, CASE NOTES

10-29-02

JUDGEMENT IS HEREBY ENTERED
IN ACCORDANCE WITH THE
VERDICT OF THE JURY,

Guilty of Robbery

SMG

Circuit Ju

DA Powell gives notice of
prior and intent to invoke
gun enhancement.

Sentencing set 11-12-02 @ 8:30

SMG11-12-02 Order Allowing Winston Durant to Withdraw &
✓ Appointing Kelly Vickers as the atq. on appeal11-19-02 Cert. of Appl. to Crm. Apps., AG, DA, Atty. (w/ forms)
& Cr. Reporters

12-18-02 Forms Filed

J
CC OA 920
SMG

Page 5 of 47

GJ NO. 0256

THE STATE OF ALABAMA

B/M HT:5'8" WT:210 DOB:01/31/58
Charles W. Smith

2703 Geneva St.

Filed 10/25/2005

CD. NO. 00750023 ARREST DATE

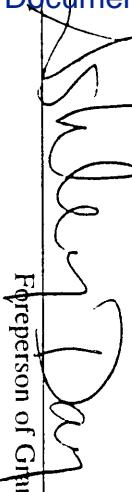
FOR

Robbery 1

Clerk of the Circuit Court of Montgomery County

Melinda Pittman

Document 8-2


Foreperson of Grand Jury

A TRUE BILL

BAIL IN THIS CASE IS FIXED AT

\$ 200,000

No Prosecutor

Case 2:05-cv-00935-MHT-TFM

CC NO.

SEP 10 2005


Powell

Judge of Circuit Court of Montgomery County

Presented in open Court by the Foreperson of

the Montgomery County Grand Jury in the presence of 14 other members of

the Grand Jury and filed this 14th day of

July, 02.

Lakeshia Atkins
4547 Huriston Dr 36116
wk:Arby's
Alvin Ray Bly
6600 WillowSpringsDr Hope Hull 36
wk:MPD

WITNESSES

THE STATE OF ALABAMA

MONTGOMERY COUNTY

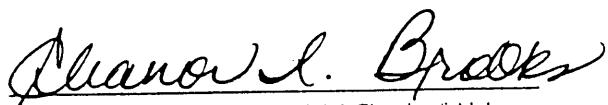
Circuit Court of Montgomery County, July Term, A.D. 2002

The Grand Jury of said County charge that, before the finding of this indictment,

CHARLES SMITH, alias
CHARLES SMITH, JR.,

whose name is otherwise unknown to the Grand Jury, did, in the course of committing a theft of lawful currency and/or coinage of the United States of America, of some value, a better description of which is unknown to the Grand Jury, use force against the person of the owner or any person present, Lakeshia Atkins, with intent to overcome her physical resistance or physical power of resistance, or threaten the imminent use of force against the person of the owner or any person present, Lakeshia Atkins, with intent to compel acquiescence to the taking of or escaping with the property, while the said Charles Smith, alias was armed with a deadly weapon or dangerous instrument, a gun, a better description of which is unknown to the Grand Jury, in violation of Section 13A-8-41 of the Code of Alabama,

against the peace and dignity of the State of Alabama.


Eleanor L. Brooks
District Attorney, Fifteenth Judicial Circuit of Alabama

Form C65 (front)

Revised 11/92

WARRANT OF ARREST

(Felonies, Misdemeanors, or Violations)

DC02-1217

IN THE

DISTRICT

COURT OF

MONTGOMERY,

ALABAMA

(Circuit, District, or Municipal)

Name of Municipality or County

 STATE OF ALABAMA MUNICIPALITY OF _____v. CHARLES SMITH

, Defendant

TO ANY LAW ENFORCEMENT OFFICER WITHIN THE STATE OF ALABAMA: Probable cause has been found on Complaint filed in this Court Against (name or description of person to be arrested)CHARLES SMITHCharging: [description of offense(s)] ROBBERY FIRST DEGREEin violation of §13A-8-41 Code of Alabama 1975 ; OR An indictment has been returned by the Grand Jury of this county against (name of person to be arrested)

Charging: [description of offense(s)] _____

in violation of _____

YOU ARE THEREFORE ORDERED to arrest the person named or described above and bring that person before a judge or magistrate of this Court to answer the charges against that person and have with you then and there this warrant with your return thereon. If a judge or magistrate of this Court is unavailable, or if the arrest is made in another county, you shall take the accused person before the nearest or most accessible judge or magistrate in the county of arrest.

 You may release the accused person without taking the accused person before a judge or magistrate:

If the accused person enters into a bond in the amount of \$ 200,000.00 with two good sureties approved by an authorized officer or by depositing cash or negotiable bonds in the amount with the court clerk; OR

If the accused person posts an appearance bond in the amount of \$ 200,000.00

On his or her personal recognizance.

April 28, 2002 at 5:25 AM

Date

D.L. MARSHALL, SHERIFF

Judge/Magistrate/Clerk

2002 APR 28 A 6:24

MONTGOMERY COUNTY AL
PROSECUTOR'S OFFICE
CIRCUIT ATTORNEY

CERTIFICATE OF EXECUTION

I, the undersigned law enforcement officer, certify that I executed the foregoing ARREST WARRANT by arresting the accused person names (or

Described) therein 10:45 o'clock a.m. p.m., on the 28th day of April,2002, in MONTGOMERY COUNTY, ALABAMA.

After arrest, the accused person was:

 Released as authorized at _____ o'clock a.m. p.m., _____, Taken before Judge Magistrate at _____ o'clock a.m. p.m., _____ Placed in jail at XHB EE o'clock a.m. p.m. April 28th, 2002Date 4/28/02Signature/Title/Agency OK DByrd #130 MPO

IDENTIFICATION OF ACCUSED PERSON

Name of Accused Person CHARLES SMITH				Telephone Number		
Social Security Number 419-88-6398	Date of Birth 01/31/1958	Age	Race B	Sex M	Height 508	
Weight 210	Hair Black	Eyes Brown	Drivers License Number & State of Issue			
Address 2703 GENEVA ST		City MONTGOMERY		State AL	Zip Code 36107	
Name of Employer				Employer's Telephone Number		
Address		City		State	Zip Code	

WITNESSES

Name	Address	Telephone Number

ACKNOWLEDGMENT BY ACCUSED PERSON

 I hereby acknowledge that at the time of my release I was directed to appear in person before the court, as follows:

Place: _____

Date: _____

Time: _____ o'clock a.m. p.m., and as thereafter needed until discharge. I promise to appear as directed before the court, as follows:

Place: _____

Date: _____

Time: _____ o'clock a.m. p.m., and as thereafter needed until discharge.

Date _____

Signature of Accused _____

Case # 02-010249

AFFIDAVIT

2002 F-725-9

DISTRICT COURT OF MONTGOMERY ALABAMA

INSTRUCTIONS: Complete the following information on OFFENSE/OFFENDER

Offense: ROBBERY 1ST DEGREE

Defendant's Name: Charles Smith B/M D.O.B. 01/31/1958

Defendant's SSN: 419-88-6398 Height: 5' 08 Weight: 210

Defendant's Address: 2703 Geneva Street Montgomery, Al 36107

Date & Time of Offense: 04/28/02 @ 0040 Hours

Place of Occurance: 5759 Atlanta Hwy Montgomery, Alabama

Person or Property Attacked: Arby's # 5691

How Attacked: with gun (robbed)

Damage Done or Property Attacked:

Value of Property:

Details of Offense:

On Sunday, 04/28/02, at 0040 Hours, the defendant, after being hidden in the ceiling tile of the bathroom, did, after closing, come out of hiding armed with a handgun, and demand the business currency. After securing the currency, the defendant did flee the business in a vehicle only to be apprehended after a vehicle pursuit.

This offense is in violation of the Criminal Code of Alabama section 13A-8-41.

This offense occurred in the State of Alabama, County of Montgomery, City of Montgomery.

I make this affidavit for the purpose of securing a warrant against the said Charles Smith B/M. I understand that I am instituting a criminal proceeding and cannot drop this case. I further understand that if any of the forgoing facts are untrue, I may, in addition to any other punishment provided by law, be taxed with court costs in this proceeding.

Sworn to and subscribed before me
this 25 day of April 2002.



Complainant



Judge - Clerk - Magistrate

WITNESSES: (Name, Address, Telephone Number)

- 1) Alvin Ray Bly, 6600 Willow Springs Dr, Hope Hull, Alabama 36043
- 2) Lekishia Adkins, 4547 Hurlston Dr, Montgomery, Alabama 36116
- 3) Det CJ Butterbaugh 053, 320 N. Ripley St, Montg, Al 36104

COMPLAINT

(Felonies, Misdemeanors, or Violations-
District Court or Municipal Court)

Warrant Number

2002F00725

Case Number

DC 02-1217

IN THE

DISTRICT

COURT OF

MONTGOMERY,

ALABAMA

(Circuit, District or Municipal)

(Name of Municipality or County)

 STATE OF ALABAMA MUNICIPALITY OF MONTGOMERY v.

CHARLES SMITH

Defendant

Before me, the undersigned authority, personally appeared this day the undersigned complainant who, upon first being duly sworn, states on oath that he/she has probable cause for believing, and does believe, that CHARLES SMITH, defendant whose name is otherwise unknown to the complainant, did, prior to the commencement of this action, on or about 04/28/2002 (date of occurrence) commit the offense of ROBBERY FIRST DEGREE within the

 County of MONTGOMERY City/Town of _____ or in the police jurisdiction thereof, in that he/she did:(State specific facts here. Continue on a separate sheet of paper if needed.) in the course of committing a theft of property, as stated or

described in the attached Affidavit, use force or threaten the imminent use of force against the said person or another person present,
with the intent to overcome his/her physical resistance or physical power of resistance, or to compel the acquiescence to the taking of or
escaping with the property (select as appropriate):

(a)(1) while the Defendant was armed with a deadly weapon or dangerous instrument as stated or described in the attached Affidavit;

(a)(2) and at the time caused serious physical injury to said person or another person as stated or described in the attached Affidavit,

002 MPR 2002
DISTRICT COURT OF THE
MUNICIPALITY OF MONTGOMERY
ALABAMA

in violation of

 Section 13A-8-41, Code of Alabama 1975. Municipal Ordinance Number _____, which embraces Section _____
Code of Alabama 1975, previously adopted, effective and in force at the time the offense was committed. Other _____

Sworn to and Subscribed before me this

28th day of
April, 2002

Judge/Magistrate/Warrant Clerk

Complainant

3332 Royal Carriage Dr

Address

272-4780

Telephone Number

WITNESSES

Name

Address

Telephone Number

Additional Witnesses on Reverse Side.

IN THE CIRCUIT COURT FOR THE FIFTEENTH JUDICIAL CIRCUIT
MONTGOMERY COUNTY, ALABAMA

STATE OF ALABAMA)
Plaintiff,)
)
v.) CC No. 02-0920-SMG
)
CHARLES SMITH,)
Defendant.)

NOTICE OF DISCOVERY

COMES NOW the State of Alabama by and through its District Attorney for the Fifteenth Judicial Circuit, Eleanor I. Brooks, and gives notice of discovery to the defendant, notice of intent to use prior convictions, notice of intent to invoke sentencing enhancements, notice of intent to offer proof by a certificate of analysis, and motion for discovery by the State:

(1. Pursuant to Rule 16.1, A.R.Cr.P., and as otherwise required by law, all available discovery has been provided or made available to the Defendant. Arrangements to inspect physical evidence may be made by contacting the undersigned.

The State of Alabama has furnished a copy of the discovery by sequentially Bates numbered pages from 000001 thru 000044. (Pages 41A have not been provided as they are either work product and/or NCIC, which cannot be provided pursuant to state law, unless ordered by the Court). The State of Alabama considers this discovery material to have been received in its entirety by Defense Counsel unless promptly notified in writing of any discrepancies.

(2. The State of Alabama intends to use at trial any and all prior convictions, crimes, wrongs, or acts of the Defendant permitted by Rules 404(b) and 609 of the Alabama Rules of Evidence, and as otherwise allowed by law. The State of Alabama is presently aware of, and intends to use, the following:

GRAND LARCENY AUTO (B'HAM 4-8-74) - Disp. UNKNOWN

ROB I (B'HAM 9-10-75) - DISPOSITION UNKNOWN

BLNG/BLNG TOOLS / GRAND LARCENY AUTO (B'HAM 12-20-78) - Disp. UNK

ASSAULT TO MURDER / ROB (B'HAM 11-27-80) - Disp. UNK

ROB I (B'HAM 8-17-81) _____

State of Alabama V. Charles Smith
Motion for Discovery
September 3, 2002
Page 2 of 3

(3. The State of Alabama intends to invoke all sentencing enhancements required or permitted by law, including the Habitual Felony Offender Act, pursuant to §13A-5-9, Code of Alabama, 1975, based on any applicable felony convictions known or any which may subsequently be discovered and/or disclosed. And, if applicable, the following:

(Enhancement for use of firearm or deadly weapon. Minimum term of imprisonment of 20 years.

(Five Year enhancement for Sale of Drugs within three (3) miles of a school, §13A-12-250.

(Five Year Enhancement for Sale of Drugs within three (3) miles of housing project, §13A-12-281.

(\$1,000.00 Fine, §13A-12-281.

(\$2,000.00 Fine, §13A-12-281.

(Suspension of Driver's License, §13A-12-290.

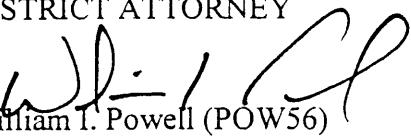
(Five Year Enhancement for Possession of Firearm, §13A-12-231(13).

(4. Pursuant to §§ 12-21-300 through 303, Code of Alabama, 1975, written notice is hereby given of the State's intent to offer proof by a certificate of analysis in lieu of direct testimony. The certificate of analysis is from the Alabama Department of Forensic Sciences and a copy is included in the discovery material.

(5. Pursuant to Rules 16.2 and 16.4(c), A.R.Cr.P., and as otherwise required by law, the Defendant is to provide the State of Alabama, within seven (7) days, a copy of all discovery to which it is entitled.

Respectfully submitted this 4th day of September, 2002.

ELEANOR I. BROOKS
DISTRICT ATTORNEY

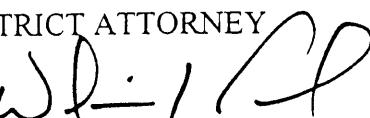
By: 
William I. Powell (POW56)
Deputy District Attorney

State of Alabama v. Charles Smith
Motion for Discovery
September 3, 2002
Page 3 of 3

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the Honorable Winston Durant, Attorney for the Defendant, by hand delivery or by placing same in the appropriate Courthouse Box, or by posting in the United States mail, postage prepaid and properly addressed, on the 4th day of September, 2002.

ELEANOR I. BROOKS
DISTRICT ATTORNEY



By: William I. Powell (POW056)
Deputy District Attorney

IN THE DISTRICT COURT OF
MONTGOMERY COUNTY, ALABAMA

STATE OF ALABAMA)

Plaintiff,)

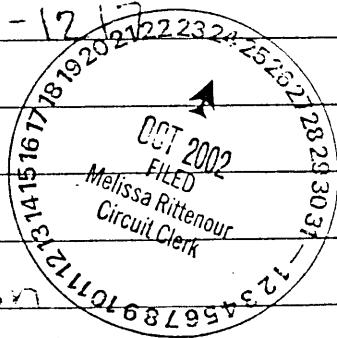
vs.)

Charles Smith)

Defendant.)

CC 2002 920 SMC

Case No. DC-02-12



Defendant's Motion For Bond Reduction

The defendant, by and through undersigned counsel, hereby respectfully requests that this Honorable court reduce the bond presently set in the above style case(s) and/or allow undersigned counsel to be heard on the merits of this motion.

Respectfully submitted,
Charles Smith

Certificate of Service

JUDGE: J. Rankan
 COURT REPORTER: Neimar
 PANELS 15-19
 DATE: 10-28-02

CASE CC 02-0920 CHARGE: Roffey
State vs Challen Smith
 ATTY: Will Powell ATTY: Winston Durant

	PLAINTIFF	DEFENDANT		
1	389	309		
2	314	356		
3	327	380		
4	339	411		
5	390	382		
6	326	298		
7	375	395		
8	392	390		
9	328	313		
10	363	371		
11				
12				
13				
14				
15				

 No. Jur. No. Stk.

 12 0
 14 1
 16 2
 18 3
 20 4
 22 5
 24 6
 26 7
 28 8
 30 9
 32 10
 34 11
 36 12
 38 13
 40 14
 42 15

RECEIVED

10-29-02
 CIRCUIT COURT CLERK



STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS

DON SIEGELMAN
GOVERNOR

MICHAEL W. HALEY
COMMISSIONER

October 24, 2002

Mr. William I. Powell
Montgomery County District Attorney's Office
P. O. Box 1667
Montgomery, AL 36102-1667

Dear Mr. Powell:

This is to certify that I (Betty Teague) am Director, Central Records Office, and that I am the legal custodian of inmate central records on file with the Alabama Department of Corrections and the enclosed or attached documents are true and correct copies taken directly from the records on file with the Department of Corrections and pertain to none other than the person whose name appears hereon:

Charles Smith, Sr.
NAME

129560
NUMBER

B/M
R&S

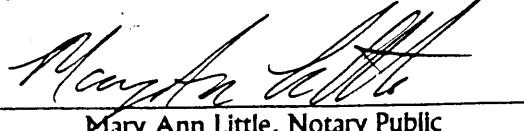
Jefferson
COUNTY

DOCUMENTS ENCLOSED/ATTACHED

- (A) Transcripts – CC1981- 530
- (B) Inmate Summary of 09/22/1986
- (C) Receipt of Released Convict Form


BETTY H. TEAGUE
Director of Records

SWORN TO AND SUBSCRIBED BEFORE ME
THIS THE 24th DAY OF OCTOBER 2002


Mary Ann Little, Notary Public
State of Alabama at Large
MY COMMISSION EXPIRES JULY 19, 2006

RECEIVED

11-12-08
CIRCUIT COURT CLERK

TRANSCRIPT

CIRCUIT

The State of Alabama
JEFFERSON COUNTY

THE CIRCUIT COURT OF JEFFERSON COUNTY

No CC 81-00530

THE STATE

Charles Smith, Sr.

Robbery

This the 30 day of July 19 81, the Earl C. Moore,

District Attorney, who prosecutes for the State of Alabama, and also sues the Defendant in his own cause, and by his attorney, and the said Defendant being duly informed of the indictment for his plea thereto, says that he is not guilty of Robbery in the First Degree. We, the jury, find the defendant guilty of robbery in the first degree in the indictment, as charged in the indictment. Georges R. Wilmet, Foreperson

And on this the 30 day of July 19 81, the said Defendant being now in open Court and being asked by the Court if he had anything to say why the judgment of the Court and sentence of the law should not now be pronounced upon him says nothing. It is therefore considered by the Court and it is the judgment of the Court that the Defendant is guilty as charged in the indictment and it is the sentence of the law that the said Defendant, the said Charles Smith, Sr. be imprisoned in the PENITENTIARY of the State of Alabama for a term of Twenty years.

DOA 12-28-80

7-30-81 Defendant gives notice of appeal

And it is hereby ordered that the Defendant be credited with all of his actual time spent incarcerated in the Jefferson County Jail, a period of 21, pending trial of this cause unless he was serving time for another offense.

The State of Alabama
JEFFERSON COUNTY

As Clerk of the Circuit Court of Jefferson County, Alabama, I hereby certify that the within is a true and correct copy of the judgment entry and sentence in the within stated cause.

Witness my hand this 30 day of July 19 81.

Daisy Comrie, Clerk.

DESCRIPTION OF CONVICT

Color B sex M Age 31-58 Marital ... Occupation ... Health ...
Names and address of relatives

3-1-84 Amended Transcript

CIRCUIT-1

TRANSCRIPT

The State of Alabama

JEFFERSON COUNTY

THE CIRCUIT COURT OF JEFFERSON COUNTY

N.C.C. 81-00530

THE STATE vs.

Robbery

vs. Charles Smith, Sr., Defendant

This the 30 day of July 1981, came Earl G. Morren,

District Attorney, who prosecutes for the State of Alabama, and also came the Defendant in his own proper person, and also came the attorney for the State, and the attorney for the Defendant, and the Court being duly convened, the said Plaintiff, the said Attorney for the State, and the said Defendant, being duly arraigned upon said indictment, fornic, pled thereto, say

that he is not guilty of Robbery in the First Degree as charged. We, the Jury, find the defendant guilty of robbery in the First degree in the indictment as charged in the indictment. Georges R. Wilmot, Foreperson

And on this the 30 day of July 1981, the said Defendant being now

in open Court and being asked by the Court if he had anything to say why the judgment of the Court and the sen-

tence of the law should not now be pronounced upon him says nothing. It is therefore considered by the Court and

it is the judgment of the Court that the Defendant is guilty as charged in the indictment and it is the sentence of

the law that the said Defendant, the said Charles Smith, Sr., be imprisoned in the

PENITENTIARY of the State of Alabama for a term of Twenty years.

DOA 11-28-80

7-30-81 Defendant gives notice of appeal

XXXXX 1-30-84 Certificate of Affirmance

And it is hereby ordered that the Defendant be credited with all of his actual time spent incarcerated in the Jeff-

erson County Jail, a period of 21, pending trial of this cause unless he was

serving time for another offense.

The State of Alabama

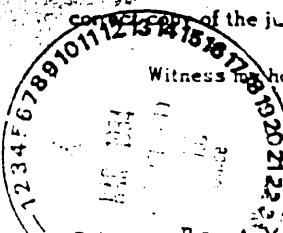
JEFFERSON COUNTY

As Clerk of the Circuit Court of Jefferson County, Alabama, I hereby certify that the within is a true and correct copy of the judgment entry and sentence in the within stated cause.

Witness my hand this 30 day of July 31, 1981

Terry J. McCall, Clerk.

DESCRIPTION OF CONVICT

Color B Sex M Age 1-31-5 Married Occupation Health
Names and address of relatives

ALABAMA DEPARTMENT OF CORRECTIONS
INMATE SUMMARY AS OF 07/22/86

115-101294 INMATE: SMITH, CHARLES SR. B-180-1 RACE: B SEX: M

INSTITUTION: 063 - WEST JEFFERSON CORR. FACILITY - DATE CR: 01/00/01

101/31/58 SSN: 419-88-6398 PREVIOUS A/S: P00154
PP 793 P-5

ADM DT: 08/17/81 DEAD TIME: 000 000 000

ADM TYP: NEW COMIT FROM CRT W/O REV OF PROG STATE: NEW COMIT FROM CRT W/

CURRENT CUSTODY: ~~DET~~ COM-9 (7-11-92) CURRENT CUSTODY DATE: 7-11-92

INMATE IS EARNING : PROHIBITED FROM EARNING CREDIT
COUNTY SENT DT CASE NO CRIME  JL-CR

JEFFERSON 07/30/81N81003530 ROSEBRY I 0021D 020Y
COURT CCSIS : \$000000 FINES : \$000000 RESTITUTION

TOTAL TERM MIN REL DT GOOD TIME BAL LONG DATE

INMATE LITERAL:

DETAINER WARRANTS SUMMARY

INMATE CURRENTLY HAS NO DETAINER-WARRANT RECORDS

ESCAPEE-PAROLE SUMMARY.

INMATE CURRENTLY HAS NO ESCAPE OR PAROLE RECORDS

DISCIPLINARY SUMMARY

>>DISCIP_ 01/02/85 TIME LOST: 00000000 CUST FROM MIN9 TO MIN9
DISCIP TYPE: MAJCR AT INST: 063 RULE NUMBER: 64
RETAINED DAYS: 0000 SEQ #: 03 RULE LIT: POSSESSION OF CONTRABAND

>>DISCIP: 110/22/84 TIME LOST: 00Y00M000 IN CUST FROM MIN9 TO MIN9
DISCIP TYPE: MAJOR AT INST: 063 RULE NUMBER: 69
DISCIP TO CUST: 00Y00M000 IN CUST FROM MIN9 TO MIN9
DISCIP TO CUST: 00Y00M000 IN CUST FROM MIN9 TO MIN9

PEOPLED
SEP 5 8 1986

CONTINUED ON NEXT PAGE

20

DRM-CARD

STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS
RECEIPT OF RELEASED CONVICT

930322-056

DATE 04/22/93 R

CJP216

INSTITUTION: MONTGOMERY WORK RELEASE

DATE RELEASED: SEP 27, 1993

NAME: SHITH, CHARLES SR

SERIAL NUMBER: 00127560

COUNTY COMMITTED FROM: JEFFERSON

DATE COMMITTED: JUL 30, 1981

HOW RELEASED: PAROLE - PGSB

REMARKS:

RECEIVED FROM WARDEN: *Frank Maxwell*

DOLLARS:

IN FULL PAYMENT OF AMOUNTS AS SET OUT BELOW

DISCHARGE MONEY: 12 YR. C3 MO. \$ *24.00*

BUS FARE TO:

1 DAY TRAVEL - *10.00*1 OUTFIT CLOTHING - *10.00*

TOTAL

SIGNED

Charles E. Maxwell

WITNESS

Frank Maxwell

WITNESS

*James Polk*DETAINER/WARRANT
RECEIPT SIGNATURE

* NOTE: ALL SIGNATURES MUST BE MADE IN INK *

IN THE CIRCUIT COURT FOR THE FIFTEENTH JUDICIAL CIRUCIT
MONTGOMERY COUNTY, ALABAMA

STATE OF ALABAMA)
)
 v.) Case No. CC-02-920-SMG
)
 CHARLES SMITH,)
 Defendant.)

STATE'S LIST OF POTENTIAL WITNESSES
FOR VOIR DIRE EXAMINATION

COMES NOW the State of Alabama, by and through the District Attorney for the Fifteenth Judicial Circuit, Eleanor I. Brooks, and submits the following list of potential witnesses for purpose of voir dire examination:

- 1. Det. C. J. Butterbaugh
- 2. LaKeshia Atkins
- 3. Alvin Ray Bly
- 4. Trudale Jackson
- 5. Zenetta Roberson
- 6. Shontrice Roberson
- 7. Pof. M. M. Barber
- 8. Pof. T. J. Koerner
- 9. Pof. T. E. Roberts
- 10. Pof. E. L. Johnson
- 11. Det. B. F. Harrison
- 12. Pof. M. E. Higgins
- 13. Pof. D. I. Burnett
- 14. Pof. C. L. Collum

WHEREFORE, the State respectfully submits the above list of witnesses to be presented to the jury venire during voir dire examination.

RECEIVED
10-29-08
CIRCUIT CLERK

22

Respectfully submitted this the 28th day of October, 2002.

Eleanor I. Brooks,
District Attorney

By: Wiley I. Powell
William I. Powell
Deputy District Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been served upon Wiley Hartley and/or Winston Durant by placing the same in the U.S. Mail, postage prepaid and properly addressed, or in the appropriate courthouse box or by hand delivery of the same to said attorney, done this 28th day of October, 2002.

Eleanor I. Brooks,
District Attorney

By: Wiley I. Powell
William I. Powell
Deputy District Attorney

State of Alabama
Unified Judicial System

JURY VERDICT

Case Number
CC-02-920 GR

Form C-50 Rev 6/88

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

Plaintiff: State of Alabama

v. Defendant: CHARLES SMITH

X We the Jury find the Defendant GUILTY of Robbery
in the First Degree as charged in the indictment.

OR

____ We the Jury find the Defendant NOT GUILTY.

James Pinkney

Name of Foreperson (please print)

James Pinkney

Signature of Foreperson

Date filed 10-29-02

RECEIVED

10-29-02
CIRCUIT CLERK

✓ 29-02 JUDGEMENT IS HEREBY ENTERED
IN ACCORDANCE WITH THE
VERDICT OF THE JURY.
Sally Greenlaw
Circuit Clerk

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

STATE OF ALABAMA,

*

Plaintiff,

*

v.

* CASE NO. CC-02-920 GR

CHARLES SMITH, SR.,

*

Defendant.

*

ORDER

The Court having found Defendant to be indigent, it is ORDERED that the Honorable Winston Durant is given leave to withdraw and the Honorable Kelly Vickers is appointed to represent Defendant in the above referenced matters on appeal.

DONE this the 12th day of November, 2002.



SALLY GREENHAW
CIRCUIT JUDGE

PC:

Winston Durant, Esq.
Kelly Vickers, Esq.
District Attorney
Court of Criminal Appeals
Office of the Attorney General

RECEIVED
11-12-08
CIRCUIT CLERK

ACR371

ALABAMA JUDICIAL DATA CENTER

NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS

BY THE TRIAL COURT CLERK

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

STATE OF ALABAMA VS SMITH CHARLES

JUDGE: SARAH M. GREENHAW

APPEAL DATE: 11/12/2002

Oral Notice

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
INDIGENT STATUS REVOKED ON APPEAL:	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
INDIGENT STATUS GRANTED ON APPEAL:	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO

DEATH PENALTY: NO

APPEAL TYPE: STATE CONVICTION

THIS IS AN APPEAL FROM A CONVICTION.

DATE OF CONVICTION: 10/29/2002

DATE OF SENTENCE: 11/12/2002

YOUTHFUL OFFENDER STATUS: DENIED

CO/CASE NUMBER: 03/CC 2002 000920.00
CODE: ROB1 CONVICTION: ROBBERY 1STACTION: CONVICTED
STATUTE: 13A-008-041SENTENCE: CONF: 20 YRS 00 MOS 000 DAYS
SENTENCE: PROB: 00 YRS 00 MOS 000 DAYS

LIFE: NO LIFEWo: NO

POST-JUDGMENT MOTIONS FILED:	DT FILED	DT DENIED	CON BY AGREE
--- MOTION FOR NEW TRIAL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--- MOTION FOR JUDG. OF ACQUIT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--- MOTION TO W/D GUILTY PLEA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--- MOTION FOR ATTY TO W/DRAW	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--- OTHER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COURT REPORTER(S):
ADDRESS:NEWMAN MEREDITH
C/O HON. SALLY GREENHAW
MONTGOMERY, AL 36102APPELLATE COUNSEL #1:
ADDRESS:VICKERS KELLY D
P. O. BOX 230803

PHONE NUMBER:

MONTGOMERY, AL 36123
334-202-7750APPELLATE COUNSEL #2:
ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):
ADDRESS:SMITH CHARLES
5719 VALLEY BROOK LN
MONTGOMERY, AL 361173236

AIS #:

APPELLEE (IF CITY APPEAL):
ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED
ABOVE IS ACCURATE TO THE BEST OF MY
KNOWLEDGE AND I HAVE SERVED A COPY OF
THIS NOTICE OF APPEAL ON ALL PARTIES TO
THIS ACTION ON THIS 19th DAY OF NOV., 2002

OPERATOR: DBH

PREPARED: 11/12/2002


CIRCUIT COURT CLERK

ACR359

ALABAMA JUDICIAL DATA CENTER
MONTGOMERY COUNTY
TRANSCRIPT OF RECORD
CONVICTION REPORTCC 2002 000920.00 01
SARAH M. GREENHAW

CIRCUIT COURT OF MONTGOMERY COUNTY		COURT ORI: 003045 J			
STATE OF ALABAMA VS. SMITH CHARLES ALIAS: 5719 VALLEY BROOK LN ALIAS: MONTGOMERY AL 36117 3236		DC NO: GJ 2002 070256.00 G J: 0256 SSN: 419886398 SID: 000775002 AIS:			
DOB: 01/31/1958 SEX: M HT: 5 08 WT: 210 HAIR: BLK EYE: BRO RACE: ()W (X)B ()O COMPLEXION: AGE: FEATURES:					
DATE OFFENSE: 04/28/2002 ARREST DATE: 04/28/2002 ARREST ORI: 0030100					
CHARGES @ CONV ROBBERY 1ST	CITES 13A-008-041	CT CL COURT ACTION 01 A CONVICTED 00 00	CA DATE 10/29/2002 00/00/0000 00/00/0000		
JUDGE: SARAH M. GREENHAW		PROSECUTOR:			
PROBATION APPLIED ()Y()N	GRANTED ()Y()N	DATE ()Y()N	REARRESTED DATE ()Y()N	REVOKED ()Y()N	DATE ()Y()N
15-18-8, CODE OF ALA 1975 ()Y (X)N	IMPOSED CONFINEMENT: 20 00 000 PROBATION : 00 00 000	SUSPENDED 00 00 000	TOTAL 20 00 000	JAIL CREDIT 00 00 199	00 00 000
DATE SENTENCED: 11/12/2002		SENTENCE BEGINS: 11/12/2002			
PROVISIONS		COSTS/RESTITUTION		DUE	ORDERED
PENITENTIARY		RESTITUTION \$62.96		\$62.96	\$62.96
		ATTORNEY FEE \$200.00		\$200.00	\$200.00
		CRIME VICTIMS \$50.00		\$50.00	\$50.00
		COST \$367.00		\$367.00	\$367.00
		FINE \$2000.00		\$2000.00	\$2000.00
		MUNICIPAL FEES \$0.00		\$0.00	\$0.00
		DRUG FEES \$0.00		\$0.00	\$0.00
		ADDTL DEFENDANT \$0.00		\$0.00	\$0.00
		DA FEES \$0.00		\$0.00	\$0.00
		COLLECTION ACCT \$0.00		\$0.00	\$0.00
		JAIL FEES \$0.00		\$0.00	\$0.00
		TOTAL \$2679.96		\$2679.96	
APPEAL DATE ()Y()N	SUSPENDED ()Y()N	AFFIRMED ()Y()N	REARREST ()Y()N		
REMARKS:		THIS IS TO CERTIFY THAT THE ABOVE INFORMATION WAS EXTRACTED FROM OFFICIAL COURT RECORDS AND IS TRUE AND CORRECT.			
WEAPON ENHANCEMENT APPLIED. 50% OF MONIES TO COURT. DOC TO GIVE 60 DAY NOTICE PRIOR TO EOS.					
MELISSA RITTENOUR(CC)					
11/19/2002					

OPERATOR: DBH
PREPARED: 11/19/2002

02-920

27

State of Alabama Unified Judicial System Form ARAP- 26 (front) 8/91	COURT OF CRIMINAL APPEALS DOCKETING STATEMENT	Criminal Appeal Number CR-02-0327
---	--	--------------------------------------

A. GENERAL INFORMATION:

CIRCUIT COURT DISTRICT COURT JUVENILE COURT OF Montgomery COUNTY
Charles Smith, Appellant

V. STATE OF ALABAMA MUNICIPALITY OF _____

Case Number <u>CC-02-920</u>	Date of Complaint or Indictment <u>7/19/02</u>	Date of Judgment/Sentence/Order <u>11/12/02</u>
Number of Days of Trial/Hearing <u>One</u> Days	Date of Notice of Appeal Oral: <u>11/12/02</u>	Written:
Indigent Status Requested: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Indigent Status Granted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

B. REPRESENTATION:

Is Attorney Appointed or Retained? Appointed Retained. If no attorney, will appellant represent self? Yes No

Appellant's Attorney (Appellant if pro se) (Attach additional pages if necessary) <u>Kelly Vickers</u>	Telephone Number <u>334-669-0700</u>
Address <u>P.O. Box 230803</u>	City <u>Montgomery</u>
	State <u>AL</u> Zip Code <u>36123</u>

C. CODEFENDANTS: List each CODEFENDANT and the defendant's case number.

Codefendant	Case Number
Codefendant	Case Number
Codefendant	Case Number

D. TYPE OF APPEAL: Please check the applicable block.

State Conviction Pretrial Order Juvenile Transfer Order
 Post-Conviction Remedy Contempt Adjudication Juvenile Delinquency
 Probation Revocation Municipal Conviction Habeas Corpus Petition

10 Other (Specify) Melissa Rittenour
 Circuit Clerk

DEC 2002

FILED

Melissa Rittenour
Circuit Clerk

E. UNDERLYING CONVICTION/CHARGE: Regardless of the type of appeal checked in Section D, please check the box beside each offense category for which the appellant has been convicted or charged as it relates to this appeal. Also include the applicable section of the Code of Alabama for State convictions.

<input type="checkbox"/> Capital Offense - § _____	<input type="checkbox"/> Trafficking in Drugs - § _____	<input type="checkbox"/> Fraudulent Practices - § _____
<input type="checkbox"/> Homicide - § _____	<input checked="" type="checkbox"/> Theft - § <u>13A-8-41</u> <u>Robbery</u>	<input type="checkbox"/> Offense Against Family - § _____
<input type="checkbox"/> Assault - § _____	<input type="checkbox"/> Damage or Intrusion to Property - § _____	<input type="checkbox"/> Traffic - DUI - § _____
<input type="checkbox"/> Kidnapping/Unlawful Imprisonment - § _____	<input type="checkbox"/> Escape - § _____	<input type="checkbox"/> Traffic - Other - § _____
<input type="checkbox"/> Drug Possession - § _____	<input type="checkbox"/> Weapons/Firearms - § _____	<input type="checkbox"/> Miscellaneous (Specify): _____

F. DEATH PENALTY:

Does this appeal involve a case where the death penalty has been imposed? Yes No

G. TRANSCRIPT:

- Will the record on appeal have a reporter's transcript? Yes No
- If the answer to question "1" is "Yes," state the date the Reporter's Transcript Order was filed. 12/16/02 (Date)
- If the answer to question "1" is "No":
 (a) Will a stipulation of facts be filed with the circuit clerk? Yes No
 (b) Will the parties stipulate that only questions of law are involved and will the trial court certify the questions? Yes No

NOTE: If the appeal is from the district or juvenile court and the answer to question "1" is "No," then a positive

Form ARAP- 26 (back) 8/91	COURT OF CRIMINAL APPEALS DOCKETING STATEMENT																																																																
<p>H. POST-JUDGMENT MOTIONS: List all post-judgment motions by date of filing, type, and date of disposition (whether by trial court order or by the provisions of Rules 20.3 and 24.4 (ARCrP)):</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3">DATE OF FILING</th> <th colspan="3">TYPE OF POST-JUDGMENT MOTION</th> <th colspan="3">DATE OF DISPOSITION</th> </tr> <tr> <th>Month</th> <th>Day</th> <th>Year</th> <th colspan="3"></th> <th>Month</th> <th>Day</th> <th>Year</th> </tr> </thead> <tbody> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table>			DATE OF FILING			TYPE OF POST-JUDGMENT MOTION			DATE OF DISPOSITION			Month	Day	Year				Month	Day	Year																																													
DATE OF FILING			TYPE OF POST-JUDGMENT MOTION			DATE OF DISPOSITION																																																											
Month	Day	Year				Month	Day	Year																																																									
<p>I. NATURE OF THE CASE: Without argument, briefly summarize the facts of the case.</p> <p>Appellant was found guilty by a jury following trial. He was given the minimum sentence.</p>																																																																	
<p>J. ISSUE(S) ON APPEAL: Briefly state the anticipated issues that will be presented on appeal. (Attach additional pages if necessary)</p> <p>Appellant maintains his innocence and question the sufficiency of the evidence. Other issues will be revealed upon review.</p>																																																																	
<p>K. SIGNATURE:</p> <p>12/16/02</p> <p><i>Kelly Vukens</i></p> <p>Signature of Attorney Filing this Form</p>																																																																	

State of Alabama Unified Judicial System Form ARAP-1C	8/91	REPORTER'S TRANSCRIPT ORDER -- CRIMINAL See Rules 10(c) and 11(b) of the Alabama Rules of Appellate Procedure (A.R. App.P.)	Criminal Appeal Number CR - 02-0327
---	------	---	--

TO BE COMPLETED BY COUNSEL FOR THE APPELLANT OR BY THE APPELLANT IF NOT REPRESENTED AND FILED WITH THE WRITTEN NOTICE OF APPEAL OR FILED WITHIN 7 DAYS AFTER ORAL NOTICE OF APPEAL IS GIVEN.

CIRCUIT COURT DISTRICT COURT JUVENILE COURT OF Montgomery COUNTY
Charles Smith, Appellant

v STATE OF ALABAMA MUNICIPALITY OF _____

Case Number <u>CC-02-920</u>	Date of Judgment/Sentence/Order <u>11/12/02</u>
Date of Notice of Appeal Oral: <u>11/12/02</u>	Indigent Status Granted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Written:	

PART 1. TO BE SIGNED IF THE APPEAL WILL NOT HAVE A COURT REPORTER'S TRANSCRIPT.

I CERTIFY THAT NO REPORTER'S TRANSCRIPT IS EXPECTED AND THAT THE RECORD ON APPEAL SHALL CONSIST OF THE CLERK'S RECORD ONLY IF THE APPEAL IS FROM DISTRICT COURT OR JUVENILE COURT. I ALSO CERTIFY (1) THAT A STIPULATION OF FACTS WILL BE INCLUDED IN THE CLERK'S RECORD AND THAT THE APPELLANT WAIVES HIS RIGHT TO A JURY TRIAL IF SO ENTITLED, OR (2) THAT THE PARTIES HAVE STIPULATED THAT ONLY QUESTIONS OF LAW ARE INVOLVED AND THAT THE QUESTIONS WILL BE CERTIFIED BY THE JUVENILE DISTRICT COURT FOR INCLUSION IN THE CLERK'S RECORD (SEE RULE 28(A)(1), ALABAMA RULES OF JUVENILE PROCEDURE, AND §12-12-72, CODE OF ALABAMA 1975).

Signature

Date

Print or Type Name

PART 2. DESIGNATION OF PROCEEDINGS TO BE TRANSCRIBED. Request is hereby made to the court reporter(s) indicated below for a transcript of the following proceedings in the above referenced case (see Rule 10(c)(2), Alabama Rules of Appellate Procedure (A.R. App.P.))

MARK PROCEEDINGS REQUESTED:

- A. TRIAL PROCEEDINGS - Although this designation will include the judgment and sentence proceedings, a transcript of the organization of the jury and arguments of counsel must be designated separately
- B. ORGANIZATION OF THE JURY - This designation will include voir dire examination and challenges for cause. Note that in noncapital cases the voir dire of the jury will not be recorded unless the trial judge so directs (See Rule 19.4, ARCrP)
- C. ARGUMENTS OF COUNSEL - Note that in noncapital cases the arguments of counsel will not be recorded unless the trial judge so directs (See Rule 19.4, ARCrP)

IN ADDITION TO ANY PROCEEDINGS DESIGNATED ABOVE, SPECIAL REQUEST IS HEREBY MADE TO INCLUDE THE FOLLOWING PROCEEDINGS IN THE REPORTER'S TRANSCRIPT PORTION OF THE RECORD ON APPEAL. (ATTACH ADDITIONAL PAGES IF NECESSARY):

ADDITIONAL PROCEEDINGS REQUESTED

DATE

- D. None
- E. _____
- F. _____
- G. _____

IMPORTANT NOTICE: The court reporter who reported the proceedings for which a transcript is requested must be identified on this form to be effective. Additionally, it is important to note that the appellant may not be permitted to raise any issue on appeal relating to any proceedings in the case that are not specifically designated on this form for inclusion in the reporter's transcript. A general designation such as "all proceedings" is not sufficient (See Rule 10(c)(2), A.R. App.P.)

PART 3. MUST BE SIGNED IF THE APPEAL WILL HAVE A COURT REPORTER'S TRANSCRIPT.

I CERTIFY THAT I HAVE DISTRIBUTED THIS FORM AS SET OUT BELOW. I ALSO CERTIFY (1) THAT I HAVE MADE SATISFACTORY FINANCIAL ARRANGEMENTS WITH EACH COURT REPORTER LISTED ABOVE FOR PREPARING HIS OR HER PORTION OF THE REPORTER'S TRANSCRIPT HEREIN REQUESTED; OR (2) THAT THE APPELLANT PROCEEDED AT TRIAL AS AN INDIGENT AND THAT THAT STATUS HAS NOT BEEN REVOKED; OR (3) THAT THE APPELLANT HAS BEEN GIVEN PERMISSION TO PROCEED ON APPEAL IN FORMA PAUPERIS.

Kelly Vickers

12/16/02

Kelly Vickers

Signature

-7-

Date

Print or Type Name

DISTRIBUTION: Original filed with Clerk of Trial Court and copies mailed to: (1) Clerk of the Court of Criminal Appeals, (2) the District Attorney, (3) the Attorney General or the municipal prosecutor in lieu of the District Attorney and the Attorney General if the appeal is from a municipal conviction and (4) to each Court Reporter who reported proceedings designated for inclusion in the reporter's transcript.

Charles
Smith

30

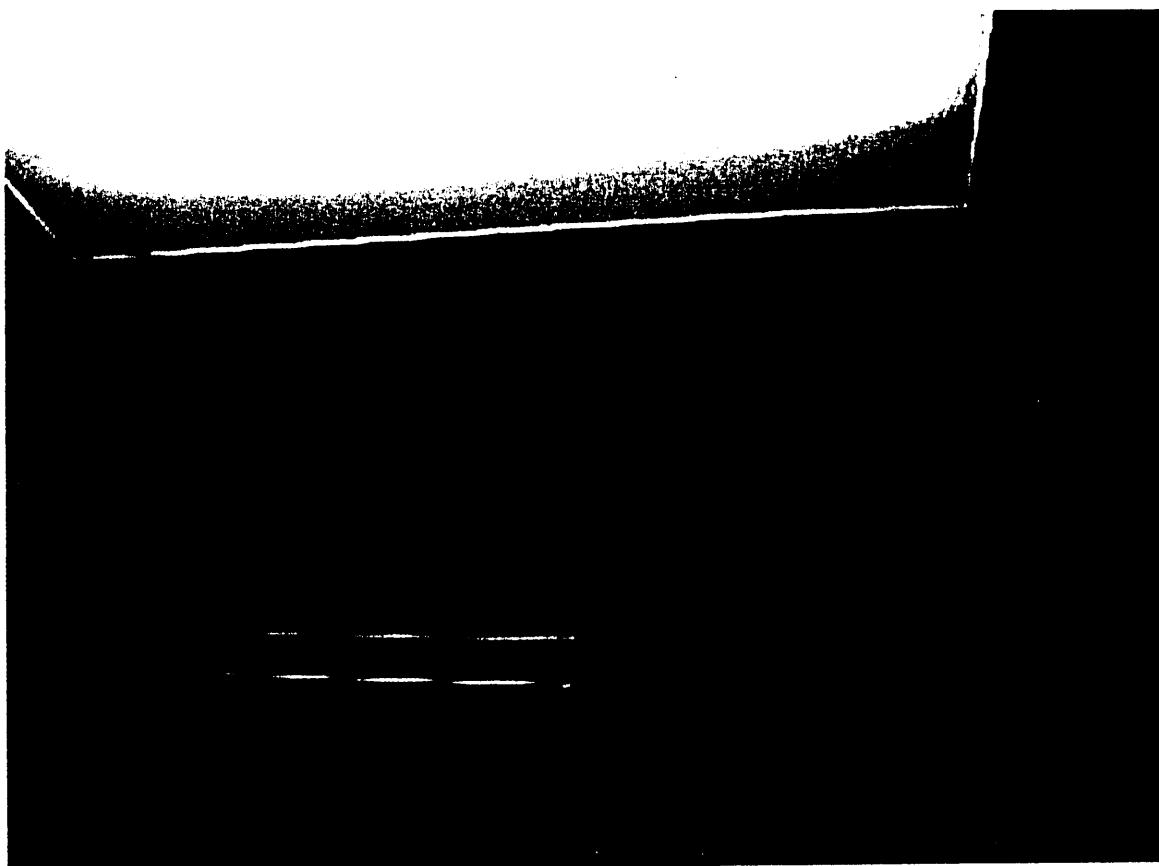
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1

EXHIBITS

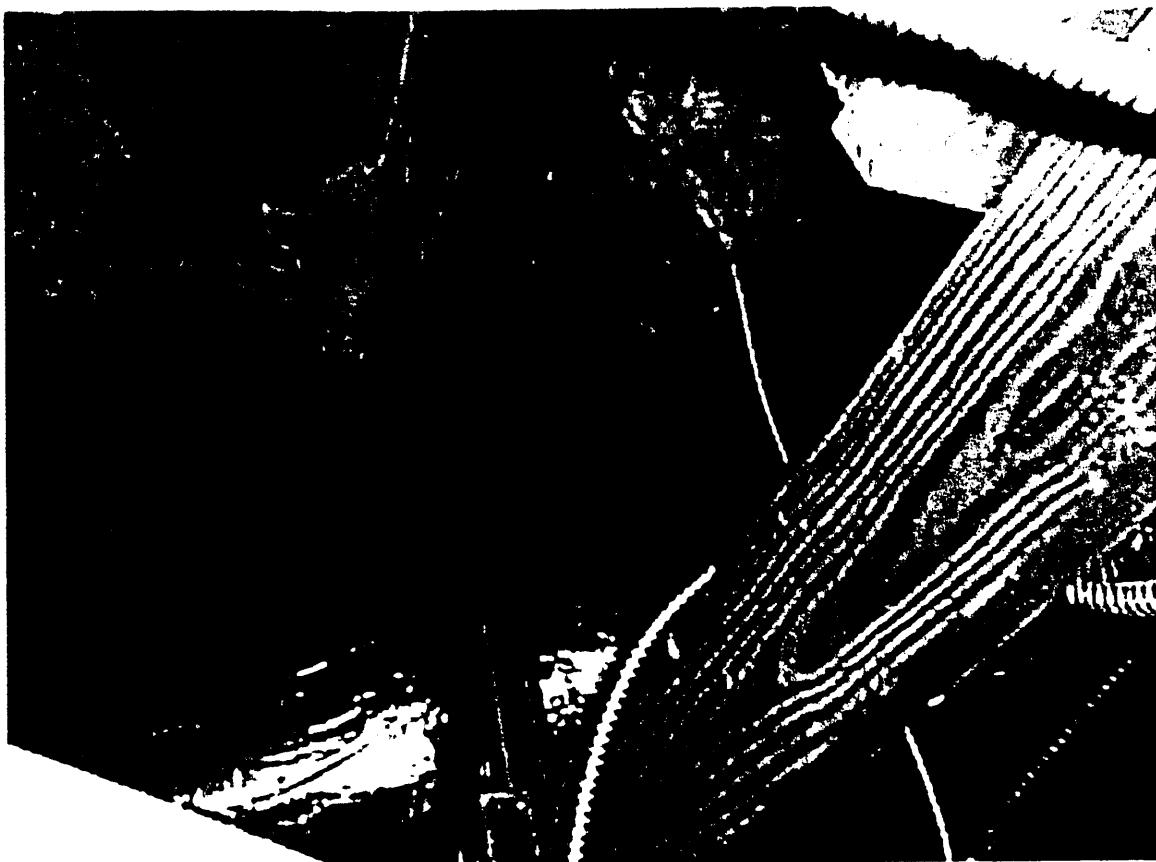
2 STATE'S EXHIBITS:

3	EXHIBIT NO. 1 -- PICTURE OF DEFENDANT --	133
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21	EXHIBIT NO. 19 - ARBY'S PLASTIC BANK BAG -	150
22	EXHIBIT NO. 20 - ARBY'S PLASTIC BANK BAG -	188
23	EXHIBIT NO. 21 - SOUTHTRUST BANK BAG --	189
24	EXHIBIT NO. 22 - GLOVES -----	186
25	EXHIBIT NO. 23 - ROUGH MAP -----	165

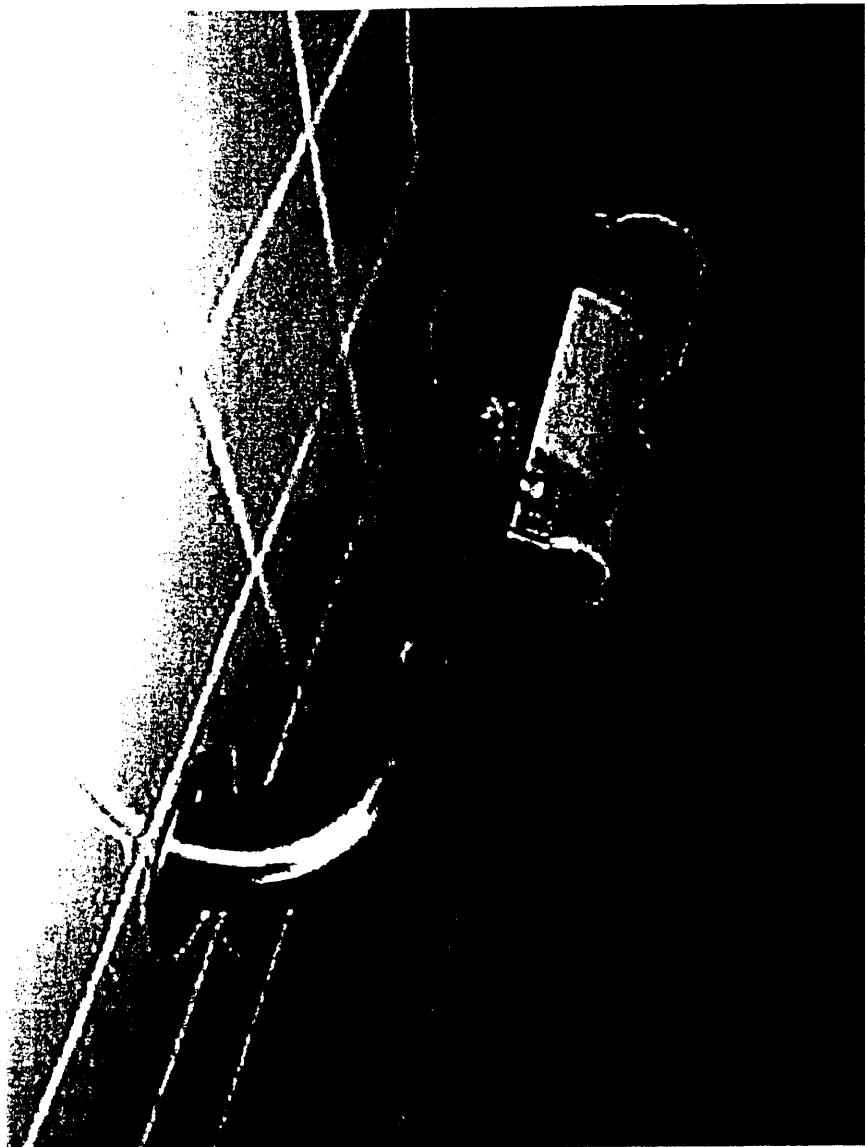


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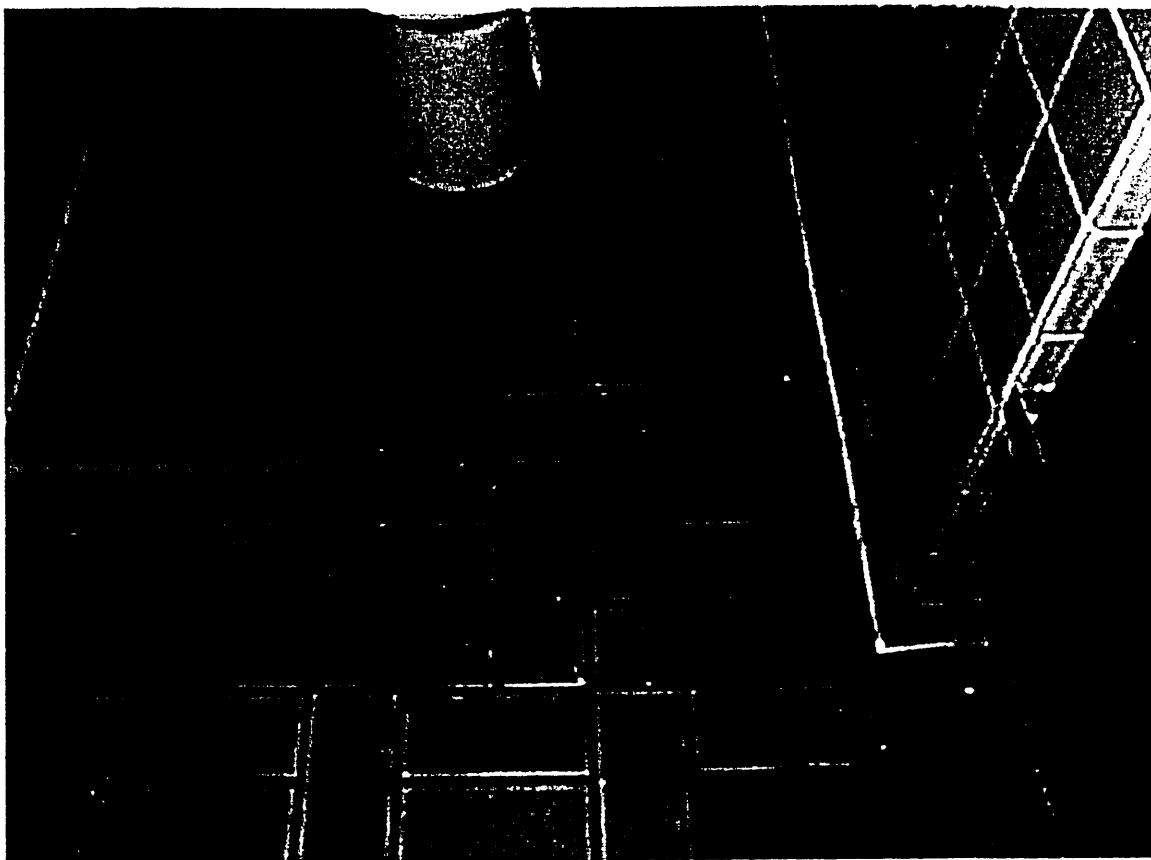
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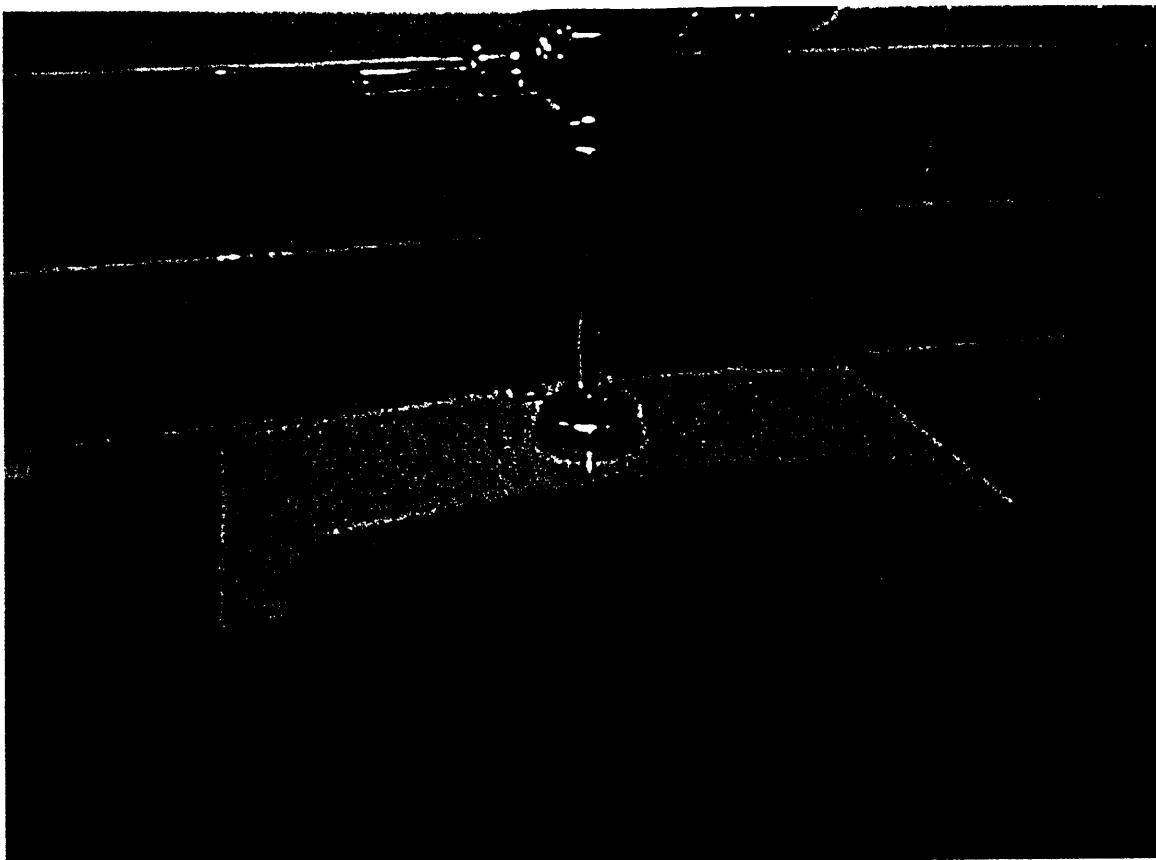
STATE'S
EXHIBIT



STATE'S
EXHIBIT



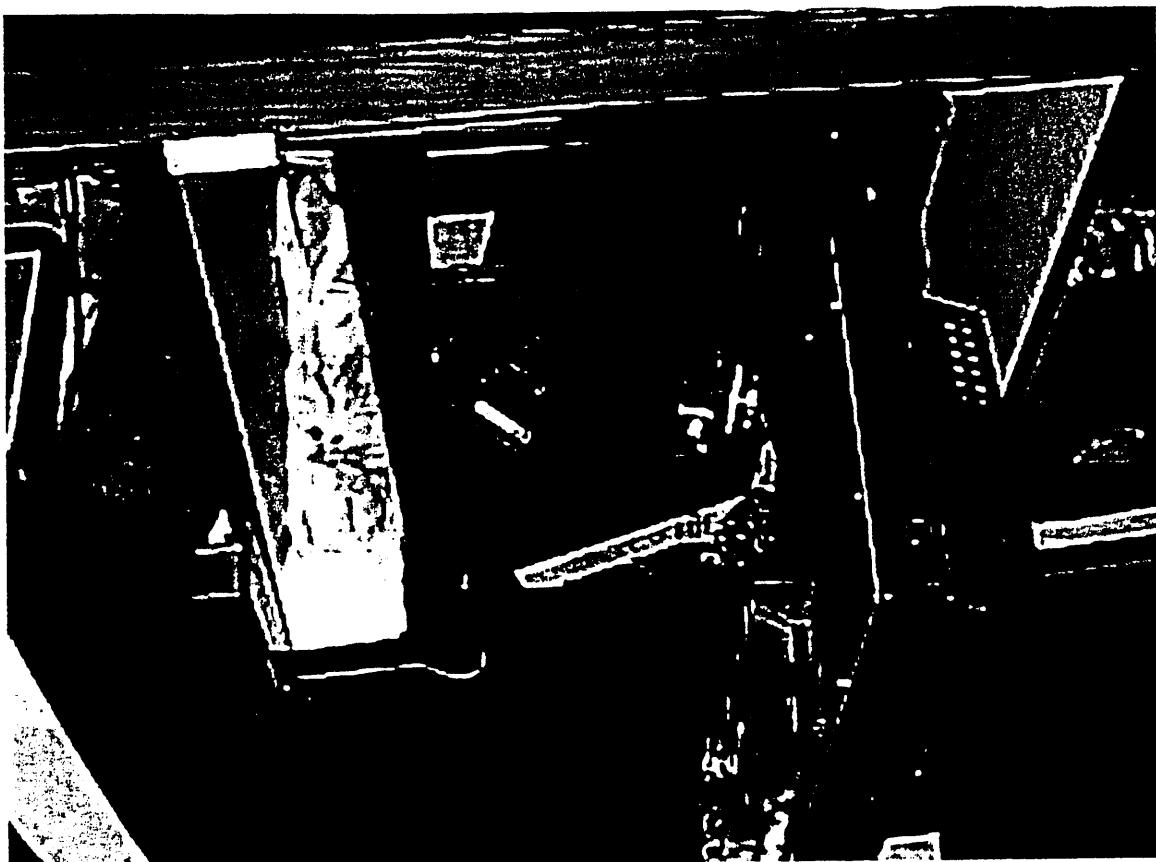
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EXHIBIT



STATE'S
EXHIBIT

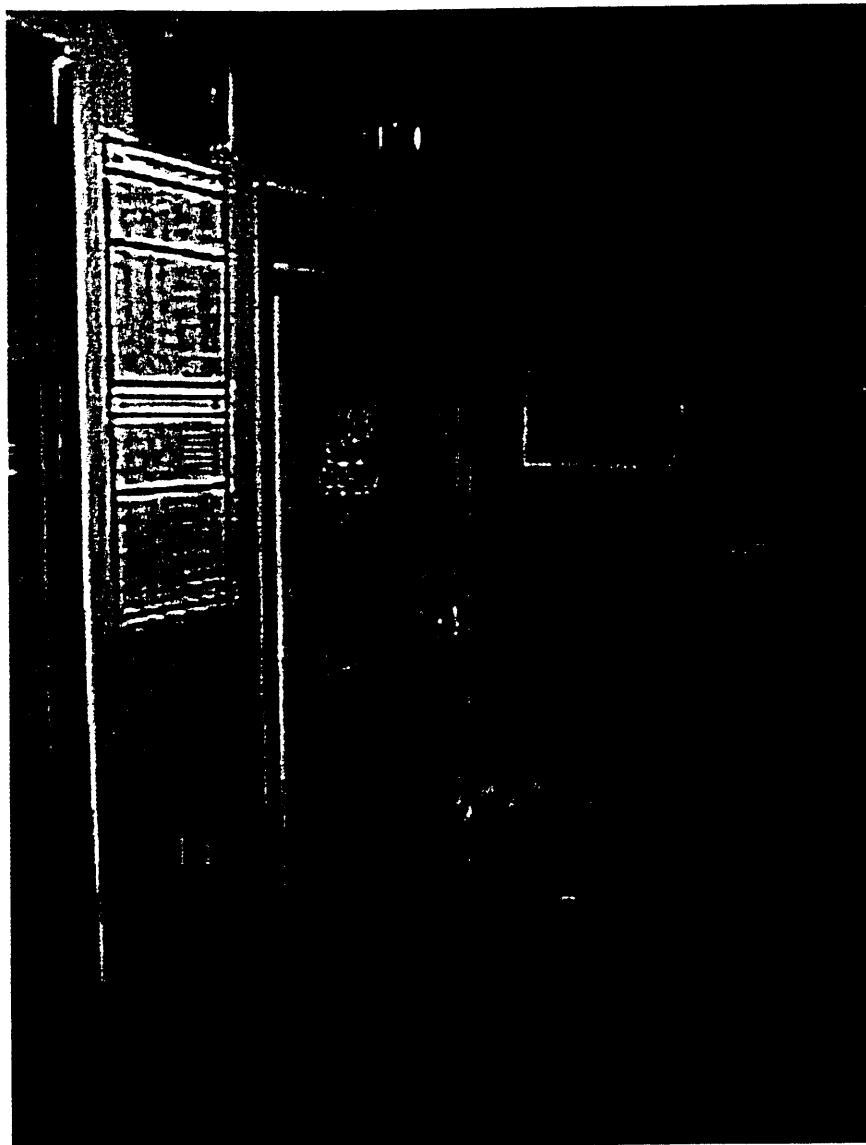


STATE'S
EXHIBIT



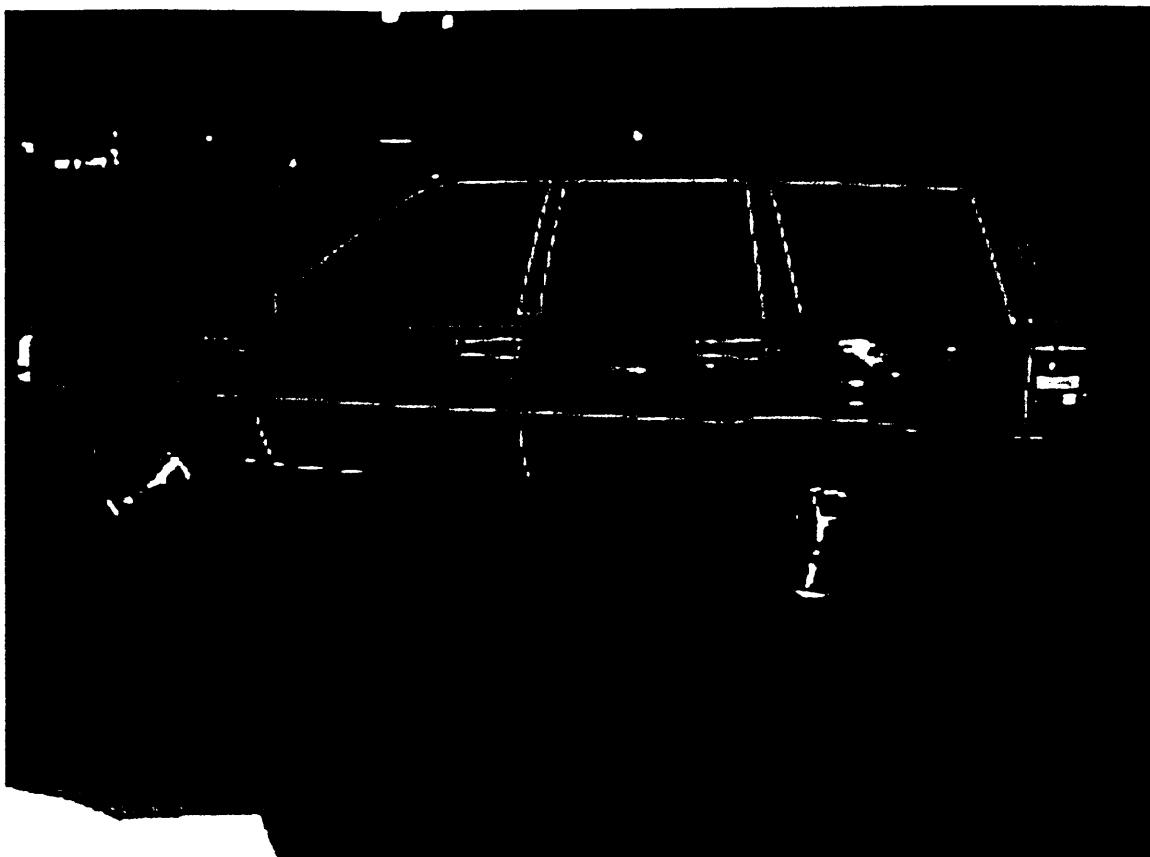
STATE'S
EXHIBIT

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STATE'S
EXHIBIT

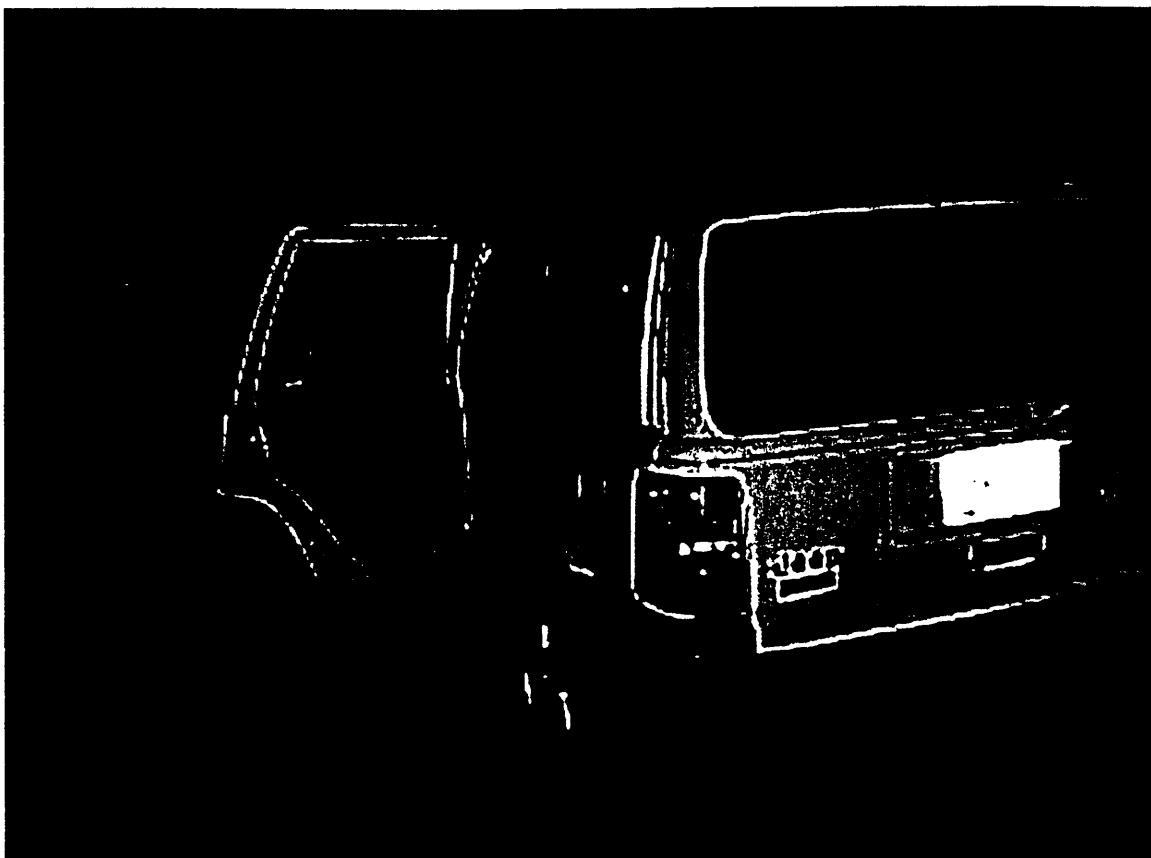
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STATE'S
EXHIBIT

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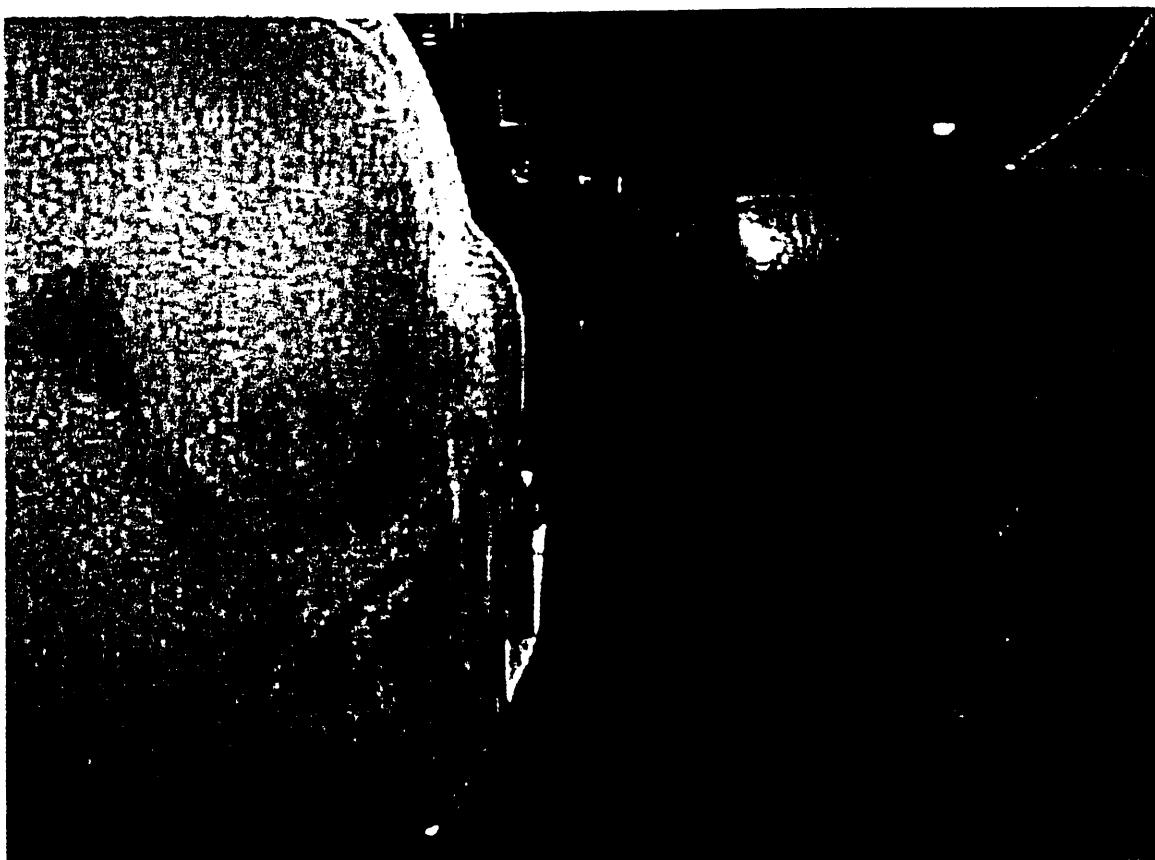
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STATE'S
EXHIBIT

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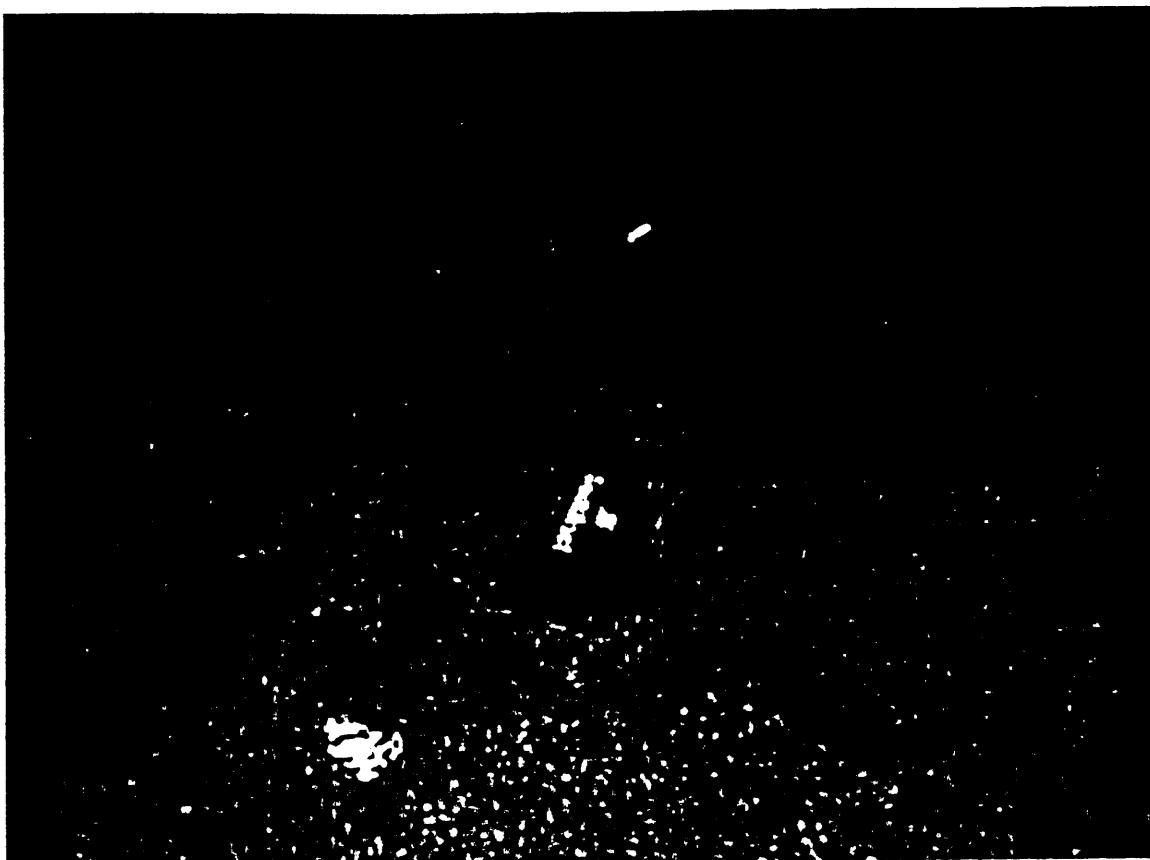


STATE'S
EXHIBIT

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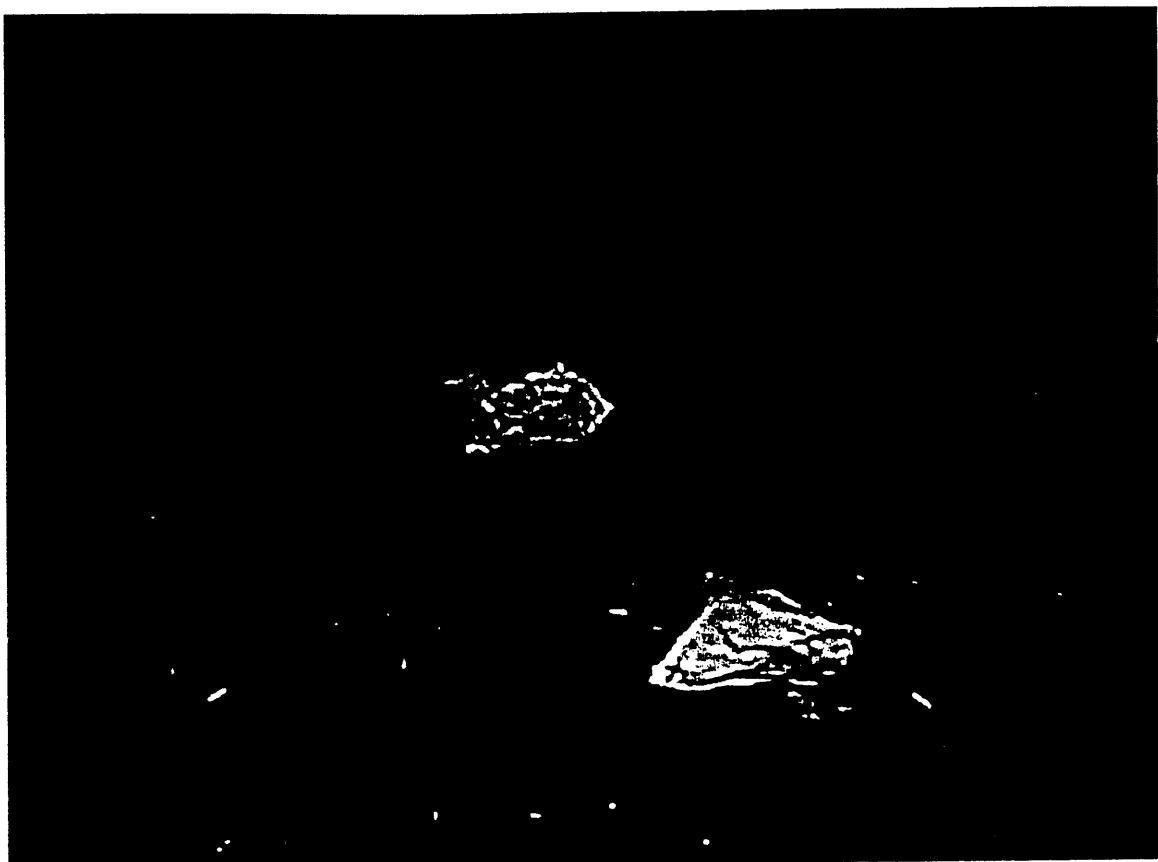


STATE'S
EXHIBIT



STATE'S
EXHIBIT

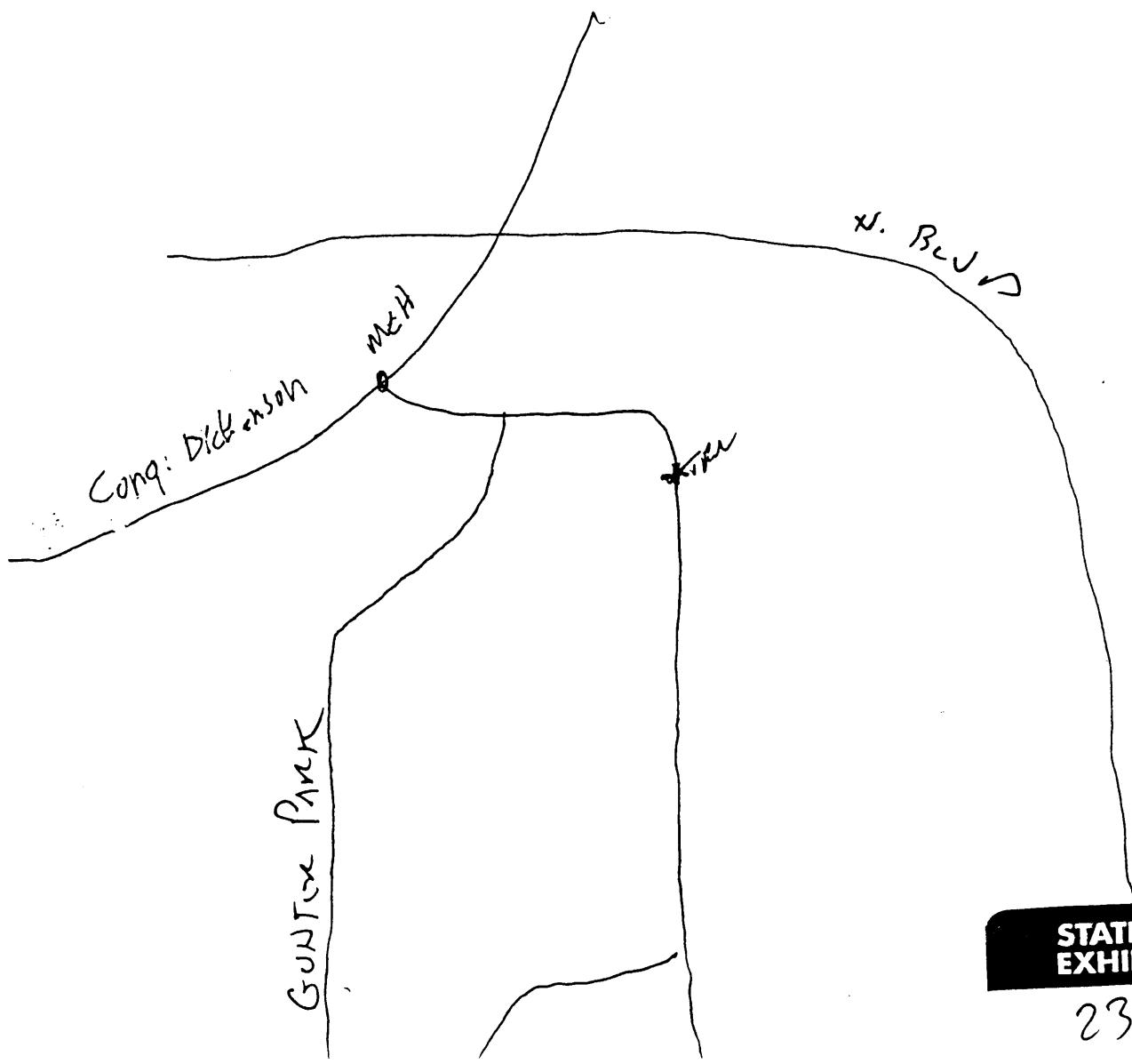
45



STATE'S
EXHIBIT

15

Not To Scale
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State of Alabama Unified Judicial System Form ARAP-14	Rev. 11/91	CERTIFICATE OF COMPLETION AND TRANSMITTAL OF RECORD ON APPEAL BY TRIAL CLERK	Appellate Case Number <u>CC-02-920</u>
TO: THE CLERK OF THE COURT OF CRIMINAL APPEALS OF ALABAMA		DATE OF NOTICE OF APPEAL: <u>11-12-02 oral</u>	
APPELLANT <u>Charles Smith</u>			
v. STATE OF ALABAMA			

I certify that I have this date completed and transmitted herewith to the appellate court the record on appeal by assembling in (a single volume of _____ pages) (_____ volumes of 200 pages each and one volume of _____ pages) the clerk's record and the reporter's transcript and that one copy each of the record on appeal has been served on the defendant and the Attorney General of the State of Alabama for the preparation of briefs.

I certify that a copy of this certificate has this date been served on counsel for each party to the appeal.

DATED this 27th day of Jan, 2003.

Melissa Pittman

Circuit Clerk